

9 FAM 42.71 PROCEDURAL NOTES

(CT:VISA-801; 04-21-2006)
(Office of Origin: CA/VO/L/R)

9 FAM 42.71 PN1 TIMELY VISA ISSUANCE

(CT:VISA-801; 04-21-2006)

Section 237 of Public Law 106-113 and subsequent legislation directs the Department to establish a policy under which immediate relative and Fiancé(e) visas are processed within 30 days of receipt of necessary information from the applicant and Department of Homeland Security (DHS). Other family-based immigrant visas must be *processed* within 60 days of receipt of all information.

9 FAM 42.71 PN2 WAIVER BY DEPARTMENT OF HOMELAND SECURITY (DHS) OF SANCTIONS IMPOSED UNDER INA 243(D)

9 FAM 42.71 PN2.1 Discontinuance of Visa Issuance

(CT:VISA-704; 02-15-2005)

Consular officers shall discontinue issuing visas to citizens, nationals, subjects, or residents of a country against which the Secretary of the Department of Homeland Security has invoked sanctions under INA 243(d). Visa issuance cannot be resumed until the consular officer has received notification from DHS that the sanctions have been waived.

9 FAM 42.71 PN2.2 DHS Endorsement on Approved Petitions

(CT:VISA-704; 02-15-2005)

The DHS endorsement on approved petitions will read:

“Beneficiary(ies) granted waiver(s) of sanctions imposed under section 243(d) of the Act”.

The grant of a waiver of sanctions to the beneficiary of an approved petition automatically includes the spouse and children of the beneficiary. If a petition was previously approved by DHS without a waiver, the consular officer should forward a request for a waiver, in duplicate, to the approving office. The request will be processed by DHS, the decision endorsed thereon, and a copy returned directly to the consular post. If a special urgency exists in obtaining a waiver of 243(d) sanctions, due to the date of expiration of the individual's exit permit, the request for waiver should include the date of expiration of the exit permit and the name of the petitioner in the United States. The petitioner should be asked to defray the cost of telegraphic notification if that appears to be necessary.

9 FAM 42.71 PN3 FEE REGISTRY AND RECEIPTING REQUIREMENT

(CT:VISA-3; 08-30-1987)

All consular offices are required by statute (22 U.S.C. 1192, 1193) and by 22 CFR 42.67(b) and 22 CFR 42.71(b) to issue receipts and maintain a registry of all fees collected.